

Emily Baker

From: Kenneth McLellan <mclellan.k@wssllp.com>
Sent: Monday, April 4, 2022 1:25 PM
To: Alex Kaufman
Cc: Eric Underriner; Keith Roussel; Holly Weiss
Subject: RE: Garmashov v. U.S. Parachute Ass'n., SDNY 1:21--cv-04917-JGK [IWOV-
manage.FID1213922]

Alex-

Do what you need to do to protect your client's interests, and we will do the same. Please provide any legal authority that you believe supports your position and I will review it and respond if appropriate.

-Ken

Very truly yours,

Kenneth A. McLellan

Partner

(Admitted in NY and NJ)

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From: Alex Kaufman [mailto:AKaufman@hallboothsmith.com]
Sent: Monday, April 4, 2022 1:16 PM
To: Kenneth McLellan <mclellan.k@wssllp.com>
Cc: Eric Underriner <EUnderriner@hallboothsmith.com>; Keith Roussel <rroussel.k@wssllp.com>; Holly Weiss <holly.weiss@hwhmediation.com>
Subject: RE: Garmashov v. U.S. Parachute Ass'n., SDNY 1:21--cv-04917-JGK [IWOV-imanage.FID1213922]

Ken-

We are going to seek the fees for the motion to compel arbitration that you lost.

We will seek these too.

There are no dates, the court ordered the 5th. We are here and ready, willing, able to comply with the Court's order.

Alex

Alex Kaufman

Admitted in AZ, DC, GA, MA, & NY

Attorney at Law | Hall Booth Smith, P.C.



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From: Kenneth McLellan <mclellan.k@wssllp.com>
Sent: Monday, April 4, 2022 1:14 PM
To: Alex Kaufman <AKaufman@hallboothsmith.com>
Cc: Eric Underriner <EUnderriner@hallboothsmith.com>; Keith Roussel <roussel.k@wssllp.com>; Holly Weiss <holly.weiss@hwhmediation.com>
Subject: RE: Garmashov v. U.S. Parachute Ass'n., SDNY 1:21--cv-04917-JGK [IWOV-imanage.FID1213922]

Alex, as I've already noted, my client has informed me that he cannot proceed. This the second time in the case you've threatened to seek fees without basis.

Please give me your dates.

-Ken

Very truly yours,

Kenneth A. McLellan
Partner
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From: Alex Kaufman [<mailto:AKaufman@hallboothsmith.com>]
Sent: Monday, April 4, 2022 1:07 PM
To: Kenneth McLellan <mcllellan.k@wssllp.com>
Cc: Eric Underriner <EUnderriner@hallboothsmith.com>; Keith Roussel <roussel.k@wssllp.com>; Holly Weiss <holly.weiss@hwhmediation.com>
Subject: RE: Garmashov v. U.S. Parachute Ass'n., SDNY 1:21--cv-04917-JGK [IWOV-imanage.FID1213922]

Ken-

We reserve the right to seek our fees for this last minute failure to appear. You represent an organization with multiple board members. All of whom are familiar with the situation.

Please let us know if we are proceeding or not tomorrow.

Alex

Alex Kaufman

Admitted in AZ, DC, GA, MA, & NY

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From: Kenneth McLellan <mclellan.k@wssllp.com>

Sent: Monday, April 4, 2022 1:01 PM

To: Alex Kaufman <AKaufman@hallboothsmith.com>

Cc: Eric Underriner <EUnderriner@hallboothsmith.com>; Keith Roussel <roussel.k@wssllp.com>; Holly Weiss <holly.weiss@hwhmediation.com>

Subject: RE: Garmashov v. U.S. Parachute Ass'n., SDNY 1:21--cv-04917-JGK [IWOV-imanage.FID1213922]

Alex-

Thank you for your email. My client contact is Executive Director, Mr. Berchtold. I have not dealt with anyone else from the organization. My understanding is that he is a member of the audience you need to persuade, so I would think you would want him participating.

Our request for an adjournment is not tactical. My client told me he is ill and cannot proceed and I take him at his word. Frankly, since you and Mr. Garmashov can appear remotely, and you already submitted a power point with videos, I'm not sure how your or Mr. Garmashov's physical location matters.

I'm not sure what "par for the course" "delaying tactic" you're referring to. We currently have a joint pre-trial Order due on December 16, 2022. The due date set by the Court is much shorter than what was agreed to by myself and Mr. Underriner. This is a highly accelerated schedule, in my experience, so I'm not sure what you're complaining about.

Please let me know your and Mr. Garmashov's next available date, and I will speak with Mr. Berchtold and reschedule.

-Ken

Very truly yours,

Kenneth A. McLellan

Partner

(Admitted in NY and NJ)

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From: Alex Kaufman [<mailto:AKaufman@hallboothsmith.com>]
Sent: Monday, April 4, 2022 12:45 PM
To: Holly Weiss <holly.weiss@hwhmediation.com>; Kenneth McLellan <mclellan.k@wssllp.com>
Cc: Eric Underriner <EUnderriner@hallboothsmith.com>; Keith Roussel <roussel.k@wssllp.com>; 13785_0001 _ Garmashov_ Yuri v_ United States Parachute Association_ Inc_ E_Mail <{F1213922}.imanager@hbswcs02.hbss.net>
Subject: RE: Garmashov v. U.S. Parachute Ass'n., SDNY 1:21--cv-04917-JGK [IWOV-imanager.FID1213922]

Respectfully Yuri and I are in New York and here ready to proceed. USPA is a large organization, this mediation is remote (per your request), surely there is someone who can be there with authority. Those other dates are not acceptable to me as I am traveling on unrelated cases. Moreover, Yuri has been out of work for 6 years and this is last minute tactic is par for the course.

Alex Kaufman

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From: Holly Weiss <holly.weiss@hwhmediation.com>

Sent: Monday, April 4, 2022 12:43 PM

To: Kenneth McLellan <mclellan.k@wssllp.com>

Cc: Eric Underriner <EUnderriner@hallboothsmith.com>; Alex Kaufman <AKaufman@hallboothsmith.com>; Keith Roussel <roussel.k@wssllp.com>

Subject: Re: Garmashov v. U.S. Parachute Ass'n., SDNY 1:21--cv-04917-JGK

I am available on April 11 or 12. If only April 13 works for all, I may be able to make it work.

Holly H. Weiss
HWH Mediation LLC
917.225.2848
Holly.Weiss@HWHMediation.com
<https://www.hwhmediation.com>
Pronouns: she, her and hers

On Apr 4, 2022, at 12:29 PM, Kenneth McLellan <mclellan.k@wssllp.com> wrote:

Dear Ms. Weiss-

We hope you are doing well.

We represent the Defendant, the U.S. Parachute Association in this case and a mediation is set for tomorrow, remotely on April 5, 2022. Our client contact, Albert Berchtold, Executive Director of the U.S.P.A. advised us this morning that he is ill and will not be able to proceed tomorrow.

We apologize for any inconvenience this may cause you, Plaintiff's counsel, and Mr. Garmashov. We have to respectfully request a short adjournment of the mediation. April 11, 12 and 13 are available as new dates for us and Mr. Berchtold.

-Ken

Very truly yours,

Kenneth A. McLellan
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